IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

Bail Appl..No. 7524 of 2007()

CRIME 322/07 OF SOORANAD POLICE STATION

PETITIONERS/ACCUSED

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1. RAFEEQ, AGED 26, S/O.SIDDIK THANGAL,
   ANJOOR KIZHAKKATHIL, THRIKARIVA VILLAGE,
   KOLLAM VILLAGE.

2. SHAJI, AGED 23, S/O.BASHIR KUTTY,
   THENGHUMTHARA VADAKATHIL, KAMBALADY,
   PORUVAZHI, SASTHAMKOTTAH.

BY ADV. SRI.A.AHZAR

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   SOORANAD POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7524 OF 2007

Dated this the 11th day of December, 2007

O R D E R

Application for anticipatory bail. Petitioners, who are neighbours, face allegations for offences punishable, inter alia, under Section 452 IPC. The crime, when it was registered, was registered for offences punishable, inter alia, under Section 451 IPC. All other offences were stated as bailable offences. Later, allegation under Section 451 IPC was altered and the allegation under Section 452 IPC was raised. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The allegation under Section 452 IPC has been raised without any justification. Even going by the allegations, there was a dispute between the neighbours and there was physical assault on the victim. There is nothing to show that any prior preparation had taken place before the accused persons entered the house and

allegedly indulged in the culpable overt acts.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 18.12.2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 19.12.07 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and

when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 18.12.2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 18.12.07.

(R.BASANT, JUDGE)

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